

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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NATIONAL RAILROAD PASSENGER
CORPORATION,

Plaintiff,

v.

ARCH SPECIALTY INSURANCE COMPANY;
ASPEN SPECIALTY INSURANCE COMPANY;
COMMONWEALTH INSURANCE COMPANY;
FEDERAL INSURANCE COMPANY; LEXINGTON
INSURANCE COMPANY; LIBERTY MUTUAL FIRE
INSURANCE COMPANY; CERTAIN
UNDERWRITERS AT LLOYD’S OF LONDON and
CERTAIN LONDON MARKET COMPANIES
Subscribing to Policy Nos. 507/N11NA08240,
507/N11NA08241, 507/N11NA08242,
507/N11NA08244, 507/N11NA08244,
507/N11NA08245 and GEP 2944; MAIDEN
SPECIALTY INSURANCE COMPANY; MAXUM
INDEMNITY COMPANY; NAVIGATORS
INSURANCE COMPANY; PARTNER
REINSURANCE EUROPE plc; RSUI INDEMNITY
COMPANY; SCOR GLOBAL P&C SE; STEADFAST
INSURANCE COMPANY; TORUS SPECIALTY
INSURANCE COMPANY; and WESTPORT
INSURANCE CORPORATION,

Defendants.
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No. 14 Civ. 7510 (JSR)

**NOTICE OF DEFENDANT PARTNER RE’S MOTION TO DISMISS AND/OR FOR
OTHER RELIEF PURSUANT TO FED. R. CIV. P. 12(B)(7) & 19**

PLEASE TAKE NOTICE that Defendant Partner Reinsurance Europe plc (“Partner Re”) will move this Court, before the Honorable Jed. S. Rakoff, United States Courthouse for the Southern District of New York, Room 14-B, 500 Pearl Street, New York, New York 10007, for an order joining Passenger Railroad Insurance Limited (“PRIL”) as a necessary party pursuant to Fed. R. Civ. P. 19, as PRIL is the only counter-party to the contract of reinsurance subscribed by Partner

Re, or, in the alternative, for an order dismissing Partner Re from the Complaint of Plaintiff National Railroad Passenger Corporation pursuant to Fed. R. Civ. P. 12(b)(7) and 19 on the ground that the Complaint fails to join PRIL, a necessary party to the extent this suit seeks any relief from Partner Re, or for such other relief as deemed just and appropriate by this Court.

PLEASE TAKE FURTHER NOTICE that, during a joint conference call on December 4, 2014, the Court set the following briefing schedule for the present motion:

Moving Papers: December 15, 2014

Answering Papers: December 29, 2014

Reply Papers: January 5, 2014

No oral argument has been set by the Court.

Dated: New York, New York
December 5, 2014

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